

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**ORIGINAL**

ORENSTEIN, M.J.

Donn Albano
Heather Miller

Plaintiff,

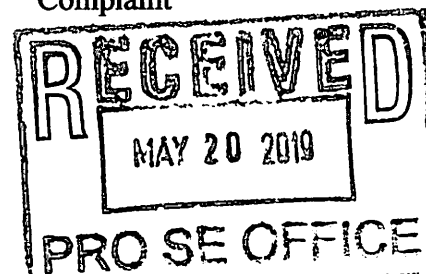
CV 19-3048Civil Action No.
(Judge's Initials)

V.

DiggDejected (John Doe, Reddit Moderator)
Reddit.com
Reddit Corporation Service Company
Alexis Ohanian
Justin Bassett
Samuel Altman

Defendant(s)

Complaint



1. This document shall describe the case being brought by Heather Miller and Donn Albano, against Defendants listed in the header. The Federal Court has jurisdiction over all of the specified violations of federal law, including: Harassment, Defamation, Trade Disparagement, Loss of Profits, Interference With Free Trade, Brand Dilution, "RICO" Laws, and Discrimination Against Women. All of these violations are within the jurisdiction of the federal court, as they are violations of specific federal laws, as detailed in this document.

2. The Eastern District is the correct venue for this action, as both Plaintiffs, and at least one (or more) of the Defendants, has offices in the Eastern District of New York, which is centered in Brooklyn, but also includes the other boroughs of New York City.

3. Defendant DiggDejected (John Doe: name and address as of yet unknown, to be obtained by subpoena) has posted defamatory content on Reddit.com, in violation of that website's terms of service, and as an approved moderator, thereof. This Defendant has also committed harassment against Plaintiffs personally via this defamatory post, as well as trade disparagement, causing lost profits and interference with free trade, as well as brand dilution, violation of RICO laws (in racketeering conspiracy with Reddit and Reddit's attorney to maintain the defamatory post's visibility to the 'net and world at large), and has violated the right of a woman to conduct and profit from a legitimate business.

4. Defendant Reddit.com, located at 520 Third Street, Suite 305, San Francisco, CA 94107, has maintained the defamatory content, thus committing libel against the Plaintiffs. They have ignored our cease and desist request, issued upon discovery of the defamatory content less than one year ago, and have committed harassment, trade disparagement, caused lost profits, interference with free trade, brand dilution, and violation of the RICO laws in maintaining the defamatory post. Reddit has also, as a third party maintaining and hosting this post, violated the rights of a woman to conduct and profit from a legitimate business.

5. Defendant Reddit Corporation Service Company, at 2710 Gateway Oaks Drive, Suite 150N, Sacramento, CA, 95833 has violated our rights under the RICO act, as part of a racketeering conspiracy to allow and possibly encourage, Reddit to maintain the defamatory, disparaging posts on the website at

Reddit.com.

6. Defendants Alexis Ohanian, at 420 Taylor Street, San Francisco, CA 94102, Mr. Justin Bassett, at 520 Third Street, Suite 305, San Francisco, California 94107, and Mr. Samuel Altman, at 335 Pioneer Way, Mountain View, California 94041, have all three committed violations of the RICO act, which shall be detailed below, for their own financial benefit, in maintaining the posts online at Reddit, when it was brought to the attention of Reddit, and before, when it was initially posted. It shall be shown in this complaint, that there was a significant financial benefit to these three members of the "Y Combinator" funding company, whose startup and similar company "Unwind Me", was sold to Soothe, Inc., a direct competitor to the two Plaintiffs in this action. These three also allowed the posts to remain on their platform, in its unlawfulness, and have also committed harassment, trade disparagement, caused lots profits, interference with free trade, and brand dilution, the same violations against Plaintiffs as their company, Reddit.com, above.

7. On May 28, 2018, Plaintiff, Donn Albano, partner of Mountainside Diversified, drafted a per se Cease and Desist Notice to Newhouse News Agency, on behalf of Plaintiff, and Plaintiff's business partner, Co-Plaintiff Heather Miller, notifying Defendant of numerous posts on their Internet property, Reddit.Com, that are clearly textbook examples of indisputable defamation per-se, statements indicating that Plaintiffs, (and, Your Honor, I quote), "...give kids diseases," received by Defendant's attorney, Corporate Service Company, sent as directed by Reddit's website instructions regarding legal matters, provable by USPS Registered Mail receipts, as well as Delivery Confirmation, delivered on June 5th, 2018, mailed out on May 30, 2018.

8. To date, absolutely no effort has been made by Reddit, its attorneys, or any representatives of Newhouse News, to comply with our lawful request. The libelous, harassing posts remain, and are viewable to the world, at large, and both Plaintiffs are experiencing this as ongoing harassment and dilution of our carefully maintained brands built over time, and Plaintiffs reason that these posts might reasonably be assumed to keep Plaintiffs' business from fairly competing in the marketplace, due to the posts' high visibility, which shall be detailed below.

9. While the original statute of limitations may have expired for the two initially posted defamatory comments, those comments being first electronically published in 2016, Plaintiff respectfully requests Your Honor to allow this motion to proceed, in that various other, far more significant, state and federal laws are still being violated. (And, although, of course, the relevant State Laws regarding defamation in New York State are outside the jurisdiction of Your Honor's Court, these other offenses mentioned are relevant, Plaintiffs argue, and so this State law is therefore included, nevertheless.)

10. In addition, the "Discovery" exception should apply in this instance, as the defamatory statement was only discovered last year. Herein, Plaintiffs shall, as pro se litigants, do their very best to clarify and explicate the details of these alleged transgressions, libel only being one of a great many:

- 11. I. HARASSMENT. (NY State Law, cited for completeness of record)
- II. DEFAMATION:LIBEL.
- III. TRADE DISPARAGEMENT.
- IV. LOSS OF PROFITS
- V. INTERFERENCE WITH FREE TRADE.
- VI. BRAND DILUTION.
- VI. VIOLATION OF FEDERAL RICO LAWS.
- VII. DISCRIMINATION AGAINST WOMAN/A WOMAN/WOMEN.

IX: NO BLANKET IMMUNITY FOR WEB COMPANIES.

X. PROTECTION UNDER SECTION 230 FOR *PLAINTIFFS*, RATHER THAN DEFENDANTS.

12. I. HARASSMENT. In Reddit's own words (on LinkedIn), it's the "front page of the Internet," a true descriptor, considering its Alexa traffic position of 54, higher than CNN, the BBC, and eBay. To be unfairly characterized in such harassing terms, by Reddit Moderator DiggDejected, and by Reddit, as a disease-spreader, especially now, in this era of Measles Outbreaks and non-vaccination among some Americans, especially while we both have had all our vaccines, and keep up-to-date with our required First Aid Training. (In fact Plaintiffs both have Rescuer status First Aid, above and beyond what is required by law), CPR, and Massage Insurance, is an experience that harasses and causes both Plaintiffs to lose sleep, lose weight, Have stomach aches, and feel generally upset for being wrongly accused, and quite likely has caused a loss of past, present, and future revenues and income.

13. While such harassing untrue statements remain on Reddit, we, the Plaintiffs, find these posts alarming, stress-inducing, and beyond annoying, and so should legally constitute Harassment in the Second Degree, as clearly per-se derogatory statements about persons and businesses cause undeniable harm. Also, these Reddit posts are "closed", and so Plaintiffs cannot even defend themselves and counter lies with provable fact!

14. When an Internet user searches for Mountainside Diversified's service, called Mountainside On-Site Massage Therapy(tm), by looking up our main website URL at Plaintiff's mobile massage service website, "njmassage.info", a rule-abiding partnership, formed in the state of New York, doing business and paying taxes in New York and New Jersey, these disparaging Reddit posts show on Google's first and second pages of results (depending on the day, as many websites do shift around as per Google's changing algorithms, and more importantly, the ever-changing popularity of a web page).

15. Therefore, it is reasonable to consider that Internet users, and prospective customers, have found these libelous and hateful comments either by searching for Kids Spa parties on Reddit, where the posts are located, or far more significantly, for Plaintiffs' service name, Mountainside On-Site Massage Therapy(sm), or perhaps website, NJmassage.info, on Google, and other popular search engines, while researching the background of Mountainside On-Site Massage Therapy. It is not unreasonable to assert, therefore, that such comments have had a deleterious effect on our brand, as well an effect on profits over time, but also specifically in the last year, the time frame that Plaintiffs have had knowledge of said crimes.

16. II. DEFAMATION:LIBEL. Plaintiffs assert that the CONTINUED daily publication of the posts, coupled with knowledge of said posts being libelous harassment, (having been notified with package delivery confirmation via USPS) using the very channels of communication that Reddit itself provides to the public, constitutes a fresh reset of the one year libel limitation placed by New York State Law on bringing forth a suit. (Of course, Your Honor, this is included only for completeness.) Publication of defamatory statements, including defamation per se, is also in violation of Federal Laws.

17. Reddit is, unquestionably, a publisher. In fact, Reddit's Copyright Date on these libelous pages, and all pages, is 2019 ("© 2019 Reddit, Inc. All rights reserved").

18. Each day that the post remains, it is re-published, unlike a paper newspaper which may, inadvertently or otherwise, print a libelous statement in an advertisement, editorial, or article, in its

daily or weekly periodical, fading from memory, and sight, with time. (If such paper news periodical publisher (re)printed the identical defamation again, on a new day, it would constitute a new instance of publication, and therefore a new offense under the law(s).)

19. Once Defendant(s) were notified of the illegal and unlawful statements published on their web platform, the Defendant, Reddit, was bound by Law, as well as its own Code of Ethics, to remove such statements, whether Plaintiffs are entitled to monetary damages or not, whether the statute of limitations for damages in NYS or Federal law has expired, or not. The statements are untrue. The statements harass.

20. In support of our request for the Court to consider the daily publication of the defamatory statements as re-publication, and therefore illegal under Federal as well as State law, we offer the following statement. Wikipedia, long held to be the definite, accepted, science-based, "Correct" answer for almost everything known, has this to say about Online Advertising. The following text is excerpted from its Online_Advertising page:

21. "Fixed cost

22. Fixed cost compensation means advertisers pay a fixed cost for delivery of ads online, usually over a specified time period, irrespective of the ad's visibility or users' response to it. One examples is CPD (cost per day) where advertisers pay a fixed cost for publishing an ad for a day irrespective of impressions served or clicks. "

23. As your Honor can see, presently, in our online culture, advertising space, even on Reddit.com, is considered freshly published each new day (12:00 AM) that the Advertisement remains visible for a set duration of time. To state that such is true for ads, but not for other content, would be arbitrary and without logical sense. Plaintiffs respectfully request that the changing nature of web publication be considered in its bearing on the Law, and what it really means to these publishers, like Defendant(s), making their money from revenues from "published" online ads, principally.

24. Internet Defamation Law, Section 230, will possibly be one of the Defendants' response to the charge of libel, we are quite sure. However, DiggDejected, creator of this content, is not a user, but rather a Reddit moderator, with clear approval to operate as Moderator, by Reddit, in conformance with Reddit rules, by Reddit, itself. As Moderator, he is enacting the Will of Reddit, in the spirit of their very own Rules of Conduct. A Moderator stands in a unique position to NOT be protected by this Internet Defamation law. Moderators' actions represent Reddit, as they are based on Reddit's guidelines and rules. To continue to allow DiggDejected to maintain Moderator status is implicit approval of his "job".

25. Under Internet Defamation Law, Section 230, Communications Decency Act of the Federal Law, liability is limited. However, the comments were posted and promoted by a well-known, active, and longtime Reddit Moderator, DiggDejected. This was an instance of a first publication, and not a republication, so specific third-party protections for online intermediaries that re-publish content, stand null and void.

26. Plaintiffs are proactively stating their response for their anticipated motion of non-liability in regards to Section 230 of the CDA by Defendant(s). The text of Section 230, which is applicable to this matter, states, "No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider..." We are

not herein stating that Reddit (a company with a platform that is passive, receptive, waiting for content to be posted, whether paid ads, or user-generated posts) has itself posted this material, however, when Reddit became aware of material that violated their very own website's terms of use, posted by one of its very own approved Moderators, tasked with removing illegal content, (defined as being illegal banned activity, according to their terms of service, as defamation per se *is* illegal), Defendant(s) were then obligated to remove said illegal content once informed. Defendant(s) have failed to do so. In this, they (Defendants Reddit.com, et.al.) have then become co-conspirators with DiggDejected, thus subject to the Federal RICO act, see subsection below.

27. In this same CDA act, subsection (3) State Law, the following statement is made: "No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this section." It should, however, be noted, that there is no area of this Act that states, whether outright or by implication, that a service provider does not have to remove illegal content, once it has been brought to their attention. As a consequence, and on the basis of the additional laws stated below, Defendants reason that Reddit had, and continues to have, a responsibility to remove illegal content from their website, once such content has been brought to Defendants' attention.

28. The question of liability notwithstanding, our request to have the content removed should have been respected, and could easily have been attended to by the management, DiggDejected (its author), another moderator, or pretty much anyone with higher access at Reddit.com. Doing so would have reduced, or even eliminated any, and all, of the below-detailed ramifications to Defendants, both individually and as a business partnership, by the presence of unprotected (by the First Amendment), illegal, libelous speech on Defendants' web site. What any of us may write online, in public, does have its limitations, and any reasonable person might consider this task of Moderation a weighty, but necessary task, but certainly part of the responsibilities of operating such a web news or content-sharing platform, in the year 2019.

29. In addition, the main portion of the CDA states quite plainly that publishers have the absolute right to remove any content that they wish to remove, for any reason whatsoever, especially in regard to parental controls, and that a user who posts such content has no recourse against the publisher for removal of their post. According to the section in the Communications Decency Act entitled, "PROTECTION FOR 'GOOD SAMARITAN' BLOCKING AND SCREENING OF OFFENSIVE MATERIAL," Civil Liability Subsection, "No provider or user of an interactive computer service shall be held liable on account of (A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected;"

30. In other words, Defendant(s) removal of the Illegal posts, as requested, would have been completely consistent with the Communications Decency Act, and would have subjected Defendants to no liability caused by DiggDejected, or any other Defendant, and would have prevented this lawsuit from needing to be commenced, in the first. At any time, Reddit could have chosen to comply with the Cease and Desist notice, and acted to remove the comment left by their own approved moderator, a comment which is a clear case of defamation per se.

31. The statement that was made is completely false, and highly damaging, and, Defendant(s) choice to not remove the defamatory statement, has necessitated this lawsuit as Plaintiffs' sole means of remedy to this situation of continued damage to Plaintiffs' personal reputation of Licensed Massage Therapists, Business Owners, and people in Society, as well as Plaintiffs' business's reputation, a reputation that

was carefully cultivated, through education, degrees, work experience, and finally, superior customer service, and diligent work, provided to many clients throughout the states of New Jersey and New York, over the years.

32. It should be noted that since this defamatory statement came to Plaintiffs' attention, and began appearing in search results when an internet user searched for Plaintiffs' Mobile Massage Service name or URL, Plaintiffs' did experience a dropping off of interest in booking our spa party services, even though our company's page comes up at the top of Google's search results for some relevant results, and previously there were many more calls and much greater interest by consumers in our services.

33. III. TRADE DISPARAGEMENT, IV. LOSS OF PROFITS, V. INTERFERENCE WITH FREE TRADE. VI. BRAND DILUTION. Interference with our ability to turn prospective interested Internet users into people wishing to purchase Plaintiffs' Services, has caused damage, and shall reasonably be considered to continue to cause irreparable damage to Plaintiffs' brands. These statements then, are no less than a form of harassment and bullying by computer, and are provably false.

34. Plaintiffs have never had a health code violation, and Plaintiffs' personal and business history, demonstrates that Plaintiffs' do everything according to law and statute. The Federal Law, the Communications Decency Act, plainly states that continuing to publish illegal content, whether intentionally or by failure to act, is not permissible (section 230). Under Common law concepts, a person or entity publishing libelous, damaging, and harassing, statements by another bears the same liability as the author. (<http://www.dmlp.org/legal-guide/immunity-online-publishers-under-communications-decency-act>)

35. Because Reddit Moderators are unpaid and volunteers, and exercise editorial control in line with Reddit's rules, according to its own content guidelines, Reddit may be co-responsible. (Stratton oakmont v. Prodigy 1995 NY Supreme Court) Reddit's policies state that, "...content is prohibited if it is illegal" and libelous, defamatory, harassing, brand-diluting, free-market interfering, statements are illegal in all fifty states, and certainly a per se libelous statement calling people disease-mongers, qualifies. Liability is increased for providers choosing to moderate their posted content, according to precedent. Whether DiggDejected is paid or unpaid, matters little then.

36. This Moderator, DiggDejected, author of the posts, has a checkered history, and many complaints for arbitrarily removing content that is not in violation of Reddit policy, or law, but rather, against Moderator's own personal political ideas, and views. There are various posts on the Internet detailing this.

(https://www.reddit.com/r/ReportTheBadModerator/comments/8vbzbw/i_was_banned_from_like_5_subreddits_most_i_havent/) In the case before this Court, Reddit Moderator, "DiggDejected", had apparent malicious intent. Defendant DiggDejected knew Reddit's rules and was there to enforce them, but then chose to break them himself, in the worst possible manner. Twice, in our case, as there are two separate posts. (Three times, if he, personally, was requested to remove the content he had posted, by Reddit, and did not.)

37. VI. VIOLATION OF FEDERAL RICO LAWS. This post also constitutes a violation of RICO Laws, in that Reddit moderator, DiggDejected, author of these statements, Reddit attorney, and Reddit itself, are all aware of the ongoing crimes of continued daily publication, and possibly are working in concert, to protect illegal posts from removal, a practice explicitly prohibited by various State and Federal laws, detailed herein. However, this is not the only violation of the RICO laws, and this

paragraph describes the least egregious violation first.

38. The continued and commiserate publication by three entities (the moderator, the attorney, and the management of Reddit), together which constitute an enterprise, as defined by the RICO act, which may or may not be legal associations (i.e. in acting together, they do not have to be a legally formed corporation or other legal entity, if they are acting together) are a violation of the RICO law. As per section 4 of the Definitions section of the RICO act, an "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity;" The publication by this enterprise of the defamatory statements is a violation, under the RICO act, of Title 18, sections 1951 (relating to interference with commerce, robbery, or extortion), and section 1952 (relating to racketeering). (citation: 18 U.S. Code §1961. Definitions found at <https://www.law.cornell.edu/uscode/text/18/1961>).

39. However, there is an even more compelling enterprise within this organization, described in the following paragraphs. This enterprise consists of the three defendants listed in this case, Mr. Altman, Mr. Bassett, and Mr. Ohanian. While the enterprise involving Reddit, its moderator, and its attorney, is an enterprise in conspiratorial violation of Plaintiffs' rights by continuing to publish the illegal and damaging post, after it was brought to their attention, the association of three individuals in positions of power at Reddit, and in a position to directly profit from the damage to our company's name and reputation, is a serious legal issue according to the RICO laws.

40. According to Bloomberg, <https://www.bloomberg.com/research/stocks/private/people.asp?privcapId=29927936>, Justin Bassett, the head of Rounding-Up at Reddit, became president of a startup accelerator, Y Combinator, in 2014. From the same Bloomberg information, it was found that in addition to Mr. Bassett, Mr. Alexis Ohanian was also involved in Y Combinator, as a Partner of Y Combinator. Mr. Ohanian is also one of the Co-Founders and Executive Chairman for Reddit, Inc., establishing his part in the RICO conspiracy that has been unfolding against our small company. Yet another board member of Reddit, Inc., is Samuel H. Altman, who is also involved in Y Combinator, as a Member of the Board of Overseers. Thus it is established that an enterprise of no less than three people, involved directly with a major competitor of our company (see below), in addition to DiggDejected and the attorneys for Reddit, who ignored Plaintiffs' Cease and Desist request, was involved, in this case of RICO violations.

41. According to Y Combinator's Companies page, <https://www.ycombinator.com/companies/>, Y Combinator funded "UnwindMe", a mobile massage on-demand company. This establishes the true association of these three individuals as an enterprise, according to the definitions in the RICO act, and a financial motive for their association and continued publication of the defamatory statements against our company is carefully detailed below.

42. While the website for "Unwind Me" is now defunct, it was easily found, via the Facebook page for Unwind.Me (<https://www.facebook.com/Unwind.Me>), that Unwind.me was acquired by Soothe, Inc., one of Plaintiffs' major competing companies in the mobile massage therapy market. The prior Facebook page for UnwindMe shows a graphic of their acquisition by Soothe. A Techcrunch article describes the acquisition for an "undisclosed sum": <https://techcrunch.com/2015/09/15/soothe-acquires-unwind-me/>

43. This acquisition occurred around the time that the defamatory post appeared on Reddit, and in light of this new information, it is very likely that it was informally (i.e., not in writing but verbally) agreed by the parties at Reddit that the post be left up, instead of moderated as illegal content, as their User

Agreement and the various State and Federal laws relating to defamation, concur.

44. Its appearance and remaining on the site could have also had a positive impact on the size of the monetary compensation provided for their acquisition by Soothe, Inc., as it might have been perceived by the purchasing company as being a defamation directed against one of their main competitors that, at the time, came up very high in the Google search results for relevant search terms (mobile massage, massage at home, couples massage, etc.), in the New Jersey and New York City on-demand mobile massage markets, which various co-Defendants entered into in about 2015, just after this defamatory post appeared and began to have an impact, although unknown to Plaintiffs, on public perception of our company, and its reputation. This very real possibility establishes a financial benefit aspect for the RICO violations, as there must be some gain by the violators of the RICO act, in order for the Laws to apply.

45. Defendants may have had, and continue to have, financial interest in Soothe, if Defendants were compensated for their Unwind.Me sale in Soothe private stock, or some other continuing benefit. Soothe directly competes with Plaintiffs' company in the New Jersey and New York On-demand Mobile Massage markets, as, both then and now, our company comes up quite high in search results for the very same search terms. Whenever someone would have searched for "mobile massage" or "mobile massage nj" or "in home massage," there was our company, on the first page of Google.

46. When the Court considers that the webpage directly defamed (kids-spa-party-nj.njmassage.info) is the same website as our main mobile massage service (njmassage.info), a well-known New Jersey and New York mobile massage competitor, the violations of the RICO act begin to make sense, and two separate but related enterprises (the first of Digg Dejected, Reddit corporate staff, and, later, their attorney; the second of Mr. Bassett, Mr. Ohanian, and Mr. Altman) are well established herein.

47. Mountainside On-Site Massage Therapy provides in-home kids spa parties. The header details this, that it's Mountainside On-Site Massage Therapy presenting the Mobile Kids Spa Parties, therefore, it's Mountainside On-Site Massage Therapy being disparaged, as well as the Plaintiffs personally, and the Kids Spa Service. Plaintiffs' various massage and mobile spa services are listed on the page linked to on the Reddit posts, with links to the mobile in-home, event, and corporate, massage pages, both in the side menu, and on the top of the linked-to page at NJMassage.Info, where it states "Mountainside On-Site Massage Therapy presents Mobile Kids Spa Parties." There is no difference between the two services, except in the colors used on the kids page, which are pink and purple, instead of the green used on our main webpage. Anyone visiting the kids spa party page would understand it to be the same brand and company as the Mobile Massage service, just another of our Mobile Massage sub-services, on a different page.

48. It often happens that when a company is bought out by a competing company, that the previous owners then become shareholders in the acquiring company. Regardless of whether this is the case, various Defendants still would have a positive outlook towards the company that they just made a handsome sum from (it would have very likely been substantial if Unwind Me was a real competitor with a large clientele in California, as the TechCrunch article suggests, and as Soothe also purchased the client information when they bought the company, which has great value, also according to the Techcrunch article mentioned above). And, as stated above, this enterprise benefiting from the sale of Unwind.Me would have had a vested financial interest in leaving the defamatory post up in collusion with one another and with their moderator.

49. It should be noted that Plaintiff(s), as experienced web marketers, have completed an exhaustive

search for the term "gives people diseases" with the term "Reddit" and "spa parties" on Google, and have found no similar posts on the Reddit forum, besides the two about Plaintiffs that still comes up in Google search results. A search of "Gives people diseases" on Reddit returns no similar defamatory statements besides the two against Plaintiffs.

50. This fact makes this a unique case of disparagement, and even more likely to have been a case of criminal conspiracy to defame a competitor of Soothe, in light of the financial incentive and benefit that their management did receive, from said company. Plaintiffs encourage Your Honor to undertake a search in similar manner.

51. This would need to be pursued further in Discovery, as to whether or not the co-founders of Reddit, as well as the head of Rounding-Up and the Board Members, are or were directly invested in Soothe, Inc., as "angel investors," private stock holders in their pre-IPO stock, or were, or are, otherwise invested. Due to the high position of Mr. Barrett, Mr. Altman, and Mr. Ohanian, outside independent investors also employed in high positions at Reddit, it is likely that information on Soothe was shared between them, and they may all, in fact, be investors in Soothe. On Financial Content, <http://markets.financialcontent.com/stocks/news/category?Category=Soothe>, Soothe is shown as a privately traded stock, with the option to buy and sell private shares of stock or to invest in the company.

52. The above statements establish that there was a financial and racketeering motive for the maintenance of this post. This could have easily been at the request of Justin Bassett, Alexis Ohanian, or Samuel Altman, or anyone else who was invested in Soothe, in order to prevent our success as a major competing brand to Soothe, Inc. It is quite possible and, in fact, likely, that the other founders of Reddit are also invested in Soothe, Inc., with the potential for racketeering profits hanging in the balance of the success or failure of our competing company.

53. As a result of this startup company and sale thereof, they are very likely in violation of the Criminal section of the Racketeering Act, mentioned above, under Section 1963, Criminal Penalties: "(a) (3) any property constituting, or derived from, any proceeds which the person obtained, directly or indirectly, from racketeering activity or unlawful debt collection in violation of section 1962." According to subsection (b) of the same section, "(b) Property subject to criminal forfeiture under this section includes—... (2) tangible and intangible personal property, including rights, privileges, interests, claims, and securities."

54. These areas are quoted to support the statement that there was a criminal conspiracy occurring in connection with this defamatory statement, as these three individuals, and possibly others, received property (in the form of money and possibly stocks, bonds, or board positions) derived indirectly from these RICO violations, and that this property could be seized by the government if an investigation were to be commenced against these three individuals. This issue of defamation, which could have been easily resolved in the beginning, may actually now reveal illegal and illicit activities that are in violation of Federal Law, and likely State Laws as well, and may warrant investigation by the Court.

55. The discovery of the Unwind Me app that various Defendant(s) sold to Soothe, Inc., for an undisclosed sum, and potential stock options, changes this case from a simple case of defamation, to a clearer case of racketeering and collusion. This has been sufficiently proven as a distinct possibility and passes the test for a valid motion, in accordance with the RICO act, in the preceding paragraphs, to the greatest extent that a non-law enforcement individual would be able to prove on their own, with extremely limited investigative resources.

56. As part of the background of Soothe, Inc., from whom various Defendant(s) publicly, and provably, profited, Plaintiffs offer the following information for the consideration of the Court. Some startups, such as Uber and Lyft (which took over the thriving taxi-cab business, which had already existed in every city, state, and rural area around the country), as well as Soothe, as relevant to this case, has been to move into existing markets (in this case, the mobile massage market), while stating in their interviews and website documentation, that they had originated the brand new concept of mobile massage. Documentation of this fact can be provided, at the request of the court, including interviews, competitors in existence, etc., but is beyond the scope of this complaint.

57. Mobile massage, however, was not the original idea of the founder of Soothe, Inc., as claimed in interviews and on its website, whereas even Mobile Massage with On-Demand Same-Hour booking, has been extant for over six years before the founding of Soothe, Inc. Several companies in New Jersey, and other states, were highly visible on Google and elsewhere on the web, as well as Zeel and a number of companies already providing a similar service in California and New York City. This is to demonstrate that Soothe, Inc., and thus the Defendants named above from Y Combinator, would have had knowledge of our company as a competitor to the company involved in their racketeering business transaction.

58. In the section of the RICO act which regards damages, titled Civil Remedies, subsection (3) states "Any person injured in his business or property by reason of a violation of section 1962 of this chapter may sue therefor in any appropriate United States district court and shall recover threefold the damages he sustains and the cost of the suit, including a reasonable attorney's fee..." (<https://www.law.cornell.edu/uscode/text/18/1964>)

59. VII. DISCRIMINATION AGAINST WOMAN/A WOMAN/WOMEN. Federal laws are designed to protect women against harassment, as a group. Being that Mountainside On-Site Massage Therapy, Mobile kids Spa Parties, and Mountainside Diversified, have as their President, a woman, in a market dominated by women, doing what is largely considered "women's work" (painting nails, doing hair, massage, etc.) this is clearly bias against Ms. Miller, and women, at large, in that an ancient meme of "women as defiled" continues to blast forth from DiggDejected, and other Reddit users' keyboards, and Reddit, in knowing this for the last eleven months, since our verified delivery of written notification, is committing a crime of bias against a woman, personally, by relying on a worn canard regarding women, taken as a group.

60. A clear case of Civil Rights Discrimination against the right of a woman, who owns a business, to be free of harassment in conducting her business matters, and ability to earn a living by working as a Massage Therapist, and Massage Therapy Service operator. These misogynistic comments, about "giving diseases" are aimed at a website that is owned by a woman, with some services specifically geared toward women and girls, in a field where all competing Kids Spa businesses are generally owned by women. This is a publicly made discriminatory remark by a Moderator, a respected member of the "largest online community on Earth," as Reddit bills itself.

61. As an example of the trope referenced above, is the paragraph in Translation In Modern Japan, edited by Indra Levy. On page 176, from the Chapter entitled "Monstrous Language" we find the following statement: "The female figure in Koya represents the new trope of the sexually alluring yet diseased female. She is a blend of the traditional animal-female trope and the new diseased female trope. It is not her body that turns into an animal, but her diseased power that can turn men into hybrid creatures, a feat she accomplishes by seducing men."

62. There are many other examples of these types of gender-biased tropes against women in popular culture, American and British Victorian culture, and other cultures around the world. As a meme, the "diseased female" is nothing new, and is being perpetuated by a whole new generation of men and their counterparts online, in the media, and in real life situations. A more modern example can be found on Twitter, at https://twitter.com/Maggie_McNeill/status/1006341830097567744, where a user states, "He spreads 'sex trafficking' hysteria, the 'diseased whore' myth and the 'women can't be trusted to manage our own sexuality' trope as much as any other prohibitionist."

63. The continued publication by Reddit and their assignees of the defamatory and derogatory statements have presented a barrier to commerce and trade, undertaken by a women-owned business, with most of the services provided by women. With regard to US Title 42, Subchapter 21, Subchapter VI, definitions (referenced here: <http://uscode.house.gov/view.xhtml?path=/prelim@title42/chapter21&edition=prelim>), (a)"The term 'person' includes one or more individuals, governments, governmental agencies, political subdivisions, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in cases under title 11, or receivers."

64. In the same section, definitions, (g)"The term 'commerce' means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof." By publication and continued maintenance of this statement on their website, Reddit, and the other parties named above, have affected our ability to compete and succeed in commerce, with regard to our business' reputation, standing, and long-term capability for success.

65. As a discriminatory statement directed against women as a group or class, and the individual partner, as a women-owned business, this statement has had a direct impact on our ability to successfully compete in the marketplace, and has had a negative affect on the commerce that our company has been engaged in since publication of this detrimental and discriminatory statement. This has a direct effect on Plaintiffs' money-making capacities in our employment, and as such is a violation of the aforementioned Title, with regard to discrimination on the basis of sex in the workplace. It has had a definite effect on the earning capacity of the business owner, as a woman, as a result of this well-known gender biased trope of women as diseased.

66. IX. NO BLANKET IMMUNITY FOR WEB COMPANIES. In regards to the shielding of companies from ALL manner of liability for violation of any and all laws that they wish to violate, the following should be noted in addition to statements made in this document prior to the enumeration of laws violated and redresses requested:

67. The purpose of our court system is providing a lawful forum for the redress of grievances. Section 230 of the Communications Decency Act should not, then, be read, in such a manner, that a libeled, or otherwise illegally and unlawfully violated, person, persons, business, or service provided by a business, cannot find suitable legal remedy for provable crimes of libel, and others, with no means of having such harmful statements deleted, retracted, or have anyone whatsoever, held liable for various damages arising from violations of various rules and laws.

68. Such a broad interpretation is flawed; as this statute was intended to protect Children from

indecent content, and for the prevention of the proliferation of pornography on the internet. In regard to this particular case, the violations made by the aforementioned Defendants were much more grievous than simple republication of an isolated statement by an isolated individual, and the RICO statutes, as well as other violations of law, are not protected from prosecution by a simple reference to Section 230 of the CDA. The violations of Federal Law that have been committed by the parties named as Defendants in this lawsuit go far beyond any protections that were intended by Congress in creating the Communications Decency Act, and should not be so broadly interpreted as to give Defendants free license to collude, conspire, and violate any laws they so choose, while hiding behind a law that was not meant to protect them, and should not protect them.

69. In addition, a more recent law has removed many of the protections afforded by Section 230, in giving specific redresses to persons who have been violated by certain forum type websites. In fact, BackPage.com was literally shut down (actually seized by the federal government "as part of an enforcement action by the [FBI], the [USPIS], and the [IRS] Criminal Investigation Division", without warning, upon passage of the FOSTA act) over third party posting of content to their site on the basis of the newly enacted FOSTA Bill. This bill removes the legal shield for websites that post content created by others, and enables states and victims to obtain redress and recover damages.

70. This law, specifically, caused the shutdown and seizure of the website backpage.com, which was a known advertising forum for prostitution, human trafficking, and sex slavery, while hiding behind the shield of Section 230. Just as in that instance, the laws should be interpreted as they were designed to be interpreted, and, as stated before, should not allow perpetrators of real crimes to hide behind laws that were never meant to protect them from prosecution for true criminal acts.

71. The Communications Decency Act, including Section 230, was written to allow parental control of contents, but has been broadly over-interpreted to provide immunity to a variety of types of websites in all cases, when they should be held liable for certain actions, when such actions involve their officers and board members. The FOSTA bill was written and passed specifically to limit the immunity of websites who were using the shield of Section 230 to allow sex trafficking and other clearly 'victimizing' crimes to occur on their forums without any legal remedy or recourse for said victims.

72. It is my hope that this court will understand that there is a lot more going on in this particular case than simply a case of a third party posting a random statement on Reddit, and that this particular case actually seems to involve collusion and conspiracy, in violation of multiple federal laws and statutes, and that even smaller businesses should be protected from predatory companies, whether they are social media sites or other types of sites. Section 230 should not be broadly interpreted in this instance, as it does not apply when conspiracy, as demonstrated herein, has occurred. The CDA was not drafted to serve as a blanket immunity against redress, or a nullification of legal due process.

73. X. PROTECTION UNDER SECTION 230 FOR PLAINTIFFS, RATHER THAN DEFENDANTS. A Child who has gone to our parties, or a classmate, or friend, of a kid who has attended our parties, may see the post and (wrongly) believe they, themselves, or their friend who attended, has contracted a disease. Such is not beyond reasonable, as we host Kids Galleries that the children visit, and we've had thousands of attendees. Such would clearly be traumatic and stress-producing, possibly causing social stigma, and is clearly within purview of the main intent of Section 230. So rather than Defendants being protected, Plaintiffs assert that we, Donn Albano, Heather Miller, Mountainside Diversified, and our brands, Mobile kids Spa Parties and Mountainside Diversified, and websites NJmassages.com, and NJmassage.info, are in fact, the protected parties in this instance.

REDRESS. Your Honor, Plaintiffs, Donn Albano, and heather Miller, are respectfully requesting, as redress:

IMMEDIATE Motion To Compel the Removal, permanent deletion, of untrue lies, the hateful and harassing statements re-published daily on Reddit.Com by direct order of the Court upon Defendants, DiggDejected and Reddit, with Prejudice.

We are also requesting ***IMMEDIATE*** Motion To Compel a Retraction and/or apology on Reddit, as well as NJ.Com, by Reddit ***and*** DiggDejected, for permitting this garbage, outside of Reddit's own rules, to remain for almost one full year after being notified of its presence, on their web site, Reddit.Com.

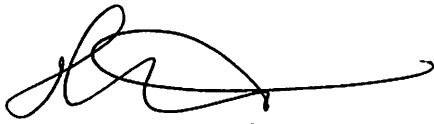
OTHER DAMAGES. We are also respectfully requesting that Your Honor consider whether damages are in order in respect to any/some/all of the legal boundary violations committed either by Reddit, Digg Dejected, or Reddit's Attorney(s), or by the additional conspiratorial enterprise described herein as Co-Defendants in this case.


Of course, this is fully within Your Honor's quite clearer understanding of the laws, however, we are asking for \$5 million donated to a womens' charity of our agreed choosing (Plaintiffs and any Defendant(s) found guilty), as well as \$500,000 For Assertive Kids Foundation that Plaintiffs' started two years ago, as well as \$1 million dollars to Plaintiffs, in reparation to our brand, for purposes to redress loss of revenue, to offset issues of re-branding, paying for advertisements, and other ways of proactively combating any damage that has been done.

Plaintiffs' business hires over 60 contractors as LMTs who need to eat. We need to keep our company in a positive light to consumers, so all of them can continue to help be fed by our company's work that we provide. We are more concerned with helping people than profits, however, we must be realistic.

As for the argument that immunity is provided by section 230 of the Communications Decency Act, if Your Honor finds that this law protects single Defendant Reddit against damages, even in these circumstances, we still respectfully request an immediate order for removal of content, as well as retraction on Reddit, as well as in the daily newspaper, NJ.Com.

Plaintiffs request Your Honor to permit time for Plaintiffs, relatively inexperienced Pro Se litigants, to subpoena and get information for the identity of DiggDejected.


Heather Miller
PO Box 20521
Staten Island NY 10302


DONN ALBANO
PO Box 20521
Staten Island NY 10302